

Amendment No. 1 to HB2435

Haynes
Signature of Sponsor

AMEND Senate Bill No. 2555

House Bill No. 2435*

by deleting all language following the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 57-3-602, is amended by adding the following as a new subsection:

(c)

(1) A non-manufacturer non-resident seller's permit is required of any entity that is engaged in marketing, licensing of trademark or trade name, or contracting for the manufacture of any wine, distilled spirit or other alcoholic beverage, where such entity is not directly engaged in the manufacturing, bottling, distilling, blending of such wine, spirit or alcoholic beverage, and is not the holder of a basic permit issued by the alcohol and tobacco tax and trade bureau of the United States department of the treasury as a brewery, distilled spirits plant, or winery. A non-manufacturer non-resident seller's permit under this part 6 may be issued by the commission irrespective of the residence of the entity.

(2) The holder of a non-manufacturer non-resident seller's permit issued under subdivision (c)(1) shall be authorized to market, facilitate the sale of, possess intellectual property rights relating to, or cause to be distributed any wine, distilled spirit or other alcoholic beverage to wholesalers licensed pursuant to § 57-3-203.

(3) The holder of a non-manufacturer non-resident seller's permit may contract with distillers, wineries, and other manufacturers to produce, rectify, bottle or manufacture wine or distilled spirits on its behalf, may ship or cause to be shipped into or within this state alcoholic beverages as an element of sales made to wholesalers

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licensed under § 57-3-203 and may contract with wholesalers to purchase such products.

(4) Non-manufacturer non-resident seller's permit holders may take title of and store in this state alcoholic beverages and wine from a distiller or winery to which it holds marketing, licensing or trademark rights only if the non-manufacturer non-resident seller's permit holder possesses a basic permit from the alcohol and tobacco tax and trade bureau of the United States department of the treasury, has paid an additional annual fee of three thousand dollars (\$3,000) to the commission, and is storing such alcoholic beverages or wine in a location approved by the commission for storage of untaxed alcoholic beverages or wine. The department of revenue may require the posting of a bond for such storage.

SECTION 2. Tennessee Code Annotated, Section 57-3-603, is amended by deleting the language "The holder of" and substituting instead the language "Except as otherwise provided in § 57-3-602(c), the holder of".

SECTION 3. Tennessee Code Annotated, Section 57-3-101(a), is amended by adding the following new definition as a new, appropriately designated subdivision:

(__) "Importer" means any person or entity holding a non-manufacturer nonresident seller's permit pursuant to § 57-3-602(c) or any entity causing alcoholic beverages to be delivered or shipped into this state holding an importer's basic permit from the alcohol and tobacco tax and trade bureau of the United States department of the treasury.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.